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17     *Admitted Pro Hac Vice*  
18     Attorneys for Plaintiff DENNIS MONTGOMERY, THE MONTGOMERY FAMILY TRUST, AND  
19     THE TRUSTEES OF THE MONTGOMERY FAMILY TRUST.

11                   **UNITED STATES DISTRICT COURT**

12                   **DISTRICT OF NEVADA**

13     DENNIS MONTGOMERY, and the )  
14     MONTGOMERY FAMILY TRUST, )  
15     Plaintiffs, )                   3:06-CV-00056-PMP-VPC  
16     v. )                   **BASE FILE**  
17     ETREPPID TECHNOLOGIES, LLC, )  
18     WARREN TREPP, and the UNITED )  
19     STATES DEPARTMENT OF DEFENSE, )  
20     Defendants. )  
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22     AND ALL RELATED MATTERS. )  
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24                   **MONTGOMERY'S UNSEALED NOTICE AND MOTION RE: INSTRUCTIONS**  
25                   **ON HOW TO TREAT / FILE SENSITIVE MATERIAL**

1 COMES NOW, Plaintiff's, DENNIS MONTGOMERY and the MONTGOMERY FAMILY  
2 TRUST (hereinafter Montgomery) and notices and moves this Court for instructions regarding the  
3 treatment and filing of Dennis Montgomery's Opposition to Trepp's "Emergency Motion" under  
4 F.R.Crim.P. 41g and to Modify a State Court Preliminary Injunction under F.R.Civ.P. 65;  
5 and Dennis Montgomery's Declaration in Support Thereof.

6 Pursuant to this Court's Order of April 2, 2007, the parties were ordered not to file any  
7 further Motions or other papers with the Court for thirty (30) days from the date of this Order  
8 without leave of the Court through Magistrate Judge Cooke or United States District Judge Pro  
9 except for any filing this Court previously has ordered the parties to file or otherwise are required  
10 by the Federal Rules of Civil or Appellate Procedure. (Order 7:1-5).

11 Dennis Montgomery's above referenced Opposition is required to be filed in response to  
12 Defendant's motion in accordance with the Federal Rules of Civil Procedure. Additionally,  
13 undersigned counsel contacted Magistrate Cook's office and was instructed to file the Opposition.  
14 Said Opposition and Declaration in Support thereof has been filed under seal.

15 However, Montgomery is mindful of the Court's admonition not to file classified or sensitive  
16 material where it may inadvertently be disclosed to the public. In order for Montgomery to  
17 adequately address the allegations and arguments set forth in Defendant's "Emergency Motion"  
18 under F.R.Crim.P. 41g and to Modify a State Court Preliminary Injunction under F.R.Civ.P. 65,  
19 Montgomery must reference certain sensitive information in his Opposition and Declaration in  
20 support thereof.

21 Thus, Montgomery requests the Courts instructions in the treatment and filing of his  
22 Opposition to Trepp's "Emergency Motion" under F.R.Crim.P. 41g and to Modify a State Court  
23 Preliminary Injunction under F.R.Civ.P. 65; and Dennis Montgomery's Declaration in Support  
24 Thereof.

25 Further, Montgomery is mindful of the Court's admonition not disclose the very information  
26 he seeks to bring to the Court's attention to with this notice. Therefor, an Ex parte Sealed Notice  
27 and Motion Re: How to Treat/File Dennis Montgomery's Opposition and Declaration of  
28 Montgomery is being filed under seal and not served on any party in this matter until further

1 instruction of this court. Further, the underlying Dennis Montgomery's Opposition to Trepp's  
2 "Emergency Motion" under F.R.Crim.P. 41g and to Modify a State Court Preliminary Injunction  
3 under F.R.Civ.P. 65; and Dennis Montgomery's Declaration in Support Thereof will be filed under  
4 seal and not served on the parties to this matter pending further instruction of the Court.

5 Respectfully submitted,

6  
7 /s/  
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9 Michael J. Flynn, Esq.  
10 April 6, 2007  
11 Attorney for Montgomery  
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1                   **CERTIFICATE OF SERVICE**

2                   Pursuant to NRCP 5(b), I certify that I am an employee of the LAW OFFICE OF LOGAR &  
3 PULVER, PC, and that on the 9<sup>th</sup> day of April 2007, I

- 4      deposited for mailing in the U.S. Mail, with sufficient postage affixed thereto.  
5      sent via Federal Express or other overnight delivery service.  
6      delivered via facsimile to:  
7      personally delivered.  
8      caused to be delivered via Reno-Carson Messenger Service.

9                   the foregoing document addressed to:

10  
11                   Jerry M. Snyder, Esq.  
12                   Hale Lane Peek Dennison and Howard  
13                   5441 Kietzke Lane, Second Floor  
14                   Reno, NV 89511

15                   and

16                   Carlotta P. Wells, Esq.  
17                   U.S. Department of Justice  
18                   P.O. Box 883  
19                   Washington, DC 20044

20  
21                   \_\_\_\_\_  
22                   /s/  
23                   ZACHARY DRAPER  
24                   for the Law Office of Logar & Pulver, PC  
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